

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2020-135-E**

**IN RE:**

**Kimberly A. Wilson,  
Complainant/Petitioner,**

**v.**

**Duke Energy Carolinas, LLC,  
Defendant/Respondent.**

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**Duke Energy Carolinas, LLC's  
Answer and Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby answers the complaint filed in the above-referenced proceeding and moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because the Complaint fails to adequately allege any violation of a Commission-jurisdictional statute or regulation, and a hearing in this case is not necessary for the protection of substantial rights. The Company requests confidential treatment of the confidential version of this motion and its exhibits pursuant to S.C. Code Ann. Reg. 103-804(S)(2), the S.C. Freedom of Information Act—S.C. Code Ann. § 30-4-10, *et seq.*—and the Family Privacy Protection Act—S.C. Code Ann. § 30-2-10, *et seq.*—on the basis that they contain customer-specific account information. The Company also requests that the filing deadlines for all parties and the hearing date be held in abeyance until this motion is resolved. DEC shows the following:

## **BACKGROUND**

Kimberly A. Wilson filed a complaint in the above-referenced proceeding, which was docketed on May 19, 2020.<sup>1</sup> The issue referenced in the complaint was reported to the Company in 2017 and was investigated, and a report was provided to the S.C. Office of Regulatory Staff (“ORS”) in January 2018. By way of background, Mr. Wilson established service on September 4, 2008 at [REDACTED] Pelzer, South Carolina. An Advanced Metering Infrastructure (“AMI”) meter was installed at the address on May 17, 2017. According to the three-year billing and payment history, which is attached hereto as Exhibit A, the meter recorded higher-than-normal electricity usage in July, August, and September of 2017.

During the summer of 2017, Mr. Wilson filed a high bill complaint with the Company and the meter was tested on September 27, 2017. The meter was tested again on January 20, 2018. In both instances, the meter tested well within the Commission’s tolerances prescribed at S.C. Code Ann. Regs. 103-323. On September 27, 2017, the meter tested at 100.14 at full load and at 100.17 at light load. On January 10, 2018, the meter tested at 100.13 at full load and at 100.16 at light load. During both of the meter tests, the meter technician indicated that the residence’s breaker panel was wired incorrectly, but that such would not impact the usage reading.

On January 12, 2018, the Company provided a written response to the ORS, addressing Mr. Wilson’s concerns and providing the results of the meter tests conducted on September 27, 2017 and January 10, 2018. The Company’s response to ORS is attached hereto as Exhibit B, and ORS’s response to the customer is attached hereto as Exhibit C. As noted in ORS’s response,

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<sup>1</sup> James E. Wilson was listed as the name on the complaint, with Kimberly A. Wilson as the “Firm.” Ms. Wilson signed the complaint, though she is not listed on the account associated with the service address. The Company believes that Ms. Wilson is a close relative and representative of James E. Wilson and is entitled to receive the limited account-related information provided in this filing.

“[t]he meter tested within the limits of accuracy as prescribed by the PSC’s regulations governing service supplied by electric systems in South Carolina.”

### **ANSWER AND MOTION TO DISMISS**

While DEC acknowledges that this customer’s electricity usage appears to have been higher than normal in July, August, and September of 2017, based upon the results of the meter testing, the high usage appears to be due to an issue on the customer’s side of the meter. The meter was tested twice and found to be within the accuracy tolerances prescribed by the Commission. Because the Complaint filed by Ms. Wilson contains no allegation supporting a finding that DEC has violated any applicable statute or regulation for which the Commission can grant relief—and because, pursuant to S.C. Code Ann. § 58-27-1990, a hearing in this case is not necessary in the public interest or for the protection of substantial rights—the Company requests that this matter be dismissed.

The Company requests confidential treatment of the confidential version of this motion and its exhibits pursuant to S.C. Code Ann. Reg. 103-804(S)(2), the S.C. Freedom of Information Act, and the Family Privacy Protection Act on the basis that it contains customer-specific account information.

### **CONCLUSION**

Complainant fails to adequately allege that DEC has violated any Commission jurisdictional statute or regulation. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice; requests confidential treatment of the confidential version of this motion and its exhibits; requests that the Commission hold the testimony deadlines for all parties and the hearing in abeyance

pending resolution of this motion; and requests such other relief as the Commission deems just and proper.

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Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina  
June 3, 2020

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**THE PUBLIC SERVICE COMMISSION OF**  
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) **Duke Energy Carolinas, LLC's**  
) **Answer and Motion to Dismiss**  
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**EXHIBIT A**

**Three Year Billing & Payment History**

**CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION**  
**FILED UNDER SEAL**

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**EXHIBIT B**  
**2018 Response to ORS**  
**CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION**  
**FILED UNDER SEAL**

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**EXHIBIT C**  
**ORS Response to Customer**  
**CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION**  
**FILED UNDER SEAL**

**BEFORE**  
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**DOCKET NO. 2020-135-E**

Kimberly A. Wilson,	)	
	)	
Complainant/Petitioner,	)	
	)	<b>CERTIFICATE OF SERVICE</b>
v.	)	
	)	
Duke Energy Carolinas, LLC,	)	
	)	
Defendant/Respondent.	)	
	)	

This is to certify that I, Toni C. Hawkins, a paralegal with the law firm of Robinson Gray Stepp & Laffitte, LLC, have this day caused to be served upon the person(s) named below the **Answer and Motion to Dismiss Complaint on behalf of Duke Energy Carolinas, LLC** in the foregoing matter by placing a copy of same in the U.S. Mail and/or via electronic mail addressed as follows:

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Dated at Columbia, South Carolina this 3rd day of June, 2020.

